

## Remarks

The Examiner's Answer mailed 5 September 2008, and Office Action of 21 April 2006, has been carefully considered. Applicant currently requests that prosecution be reopened. As such, Claims 1-11 and 13-18 are pending with none of the claims yet allowed. Claim 19 is currently cancelled. Claim 12 was previously canceled.

### Amendments to the Claims

Claims 1 and 11 are amended to recite *having a percent elongation at break of greater than 100%* for improved clarity. Support for this amendment may be found, inter alia, on page 6 of the application as filed, which discloses that the stretch component may be spandex, e.g., LYCRA. Those of ordinary skill in the art are well aware that spandex exhibits an elongation of over 100%, typically being about 450-700%. Evidence of this knowledge is provided by Gordon Cook, *Handbook of Textile Fibres, 2. Man-Made Fibres*, 672 (4<sup>th</sup> ed., Merrow Pub. Co. Ltd. 1968), the relevant portion of which is provided below:

#### SEGMENTED POLYURETHANE (SPANDEX) FIBRES IN USE

##### General Characteristics

An elastic fibre is characterized by a high breaking elongation (in excess of 100 per cent, and usually 450 to 700 per cent), a low modulus of elasticity (about 1/1,000 that of a conventional 'hard' fibre such as nylon or cotton), and both a high degree and a high rate of recovery from stretching. The following table lists typical properties of a spandex fibre, rubber and nylon.

	<i>Tenacity</i> (g./den.)	<i>Elongation</i> (per cent)	<i>Modulus of</i> <i>Elasticity</i> (g./den.)	<i>Recovery from</i> <i>100 per cent</i> <i>stretch</i> (per cent)
Spandex ('Lycra')	0.9	550	0.05	95
Natural rubber	0.3	540	0.02	97
Textile nylon	4.2	26	25.00	—

Claim 1 is amended to recite *wherein the first component is formed into a loop*. Claim 1 is also amended to recite *wherein the second component is formed into a second loop*. Support for these amendments may be found, inter alia, in Figure 1 (and its accompanying description) showing the first yarn component (yarn 70) formed into a loop, and the second yarn component

(yarn 69) formed into a second loop. Support for this amendment may also be found in Figure 2 (and its accompanying description) showing the first yarn component (yarn 58) formed into a loop, and the second yarn component (yarn 60) formed into a second loop.

Claim 1 is amended to recite that the fabric *does not include a laid-in yarn*. Support for this amendment may be found, inter alia, in Figures 1 and 2 clearly showing that the fabric structures do not include laid-in yarns, e.g., weft-inserted or warp-inserted yarns.

Claim 11 is amended to recite that the first elastomeric component forms *a first loop*, that the second component forms *a second loop*. Support for this amendment may be found as described above.

Claim 11 is amended to recite that the fabric *does not include a weft inserted yarn*. Support for this amendment may be found, inter alia, in Figures 1 and 2 clearly showing that the fabric structures do not include weft-inserted yarns.

Claims 9 and 13 are amended for clarity.

Claim 14 is amended to including limitations of dependent claim 19, which is currently cancelled.

Claim 14 is amended to recite that the fabrication *does not include inserting a weft yarn*. Support for this amendment may be found, inter alia, in Figures 1 and 2 clearly showing that fabrication does not include weft-inserted yarns.

Applicant submits that the above amendments do not add new matter and respectfully requests entry.

### **35 USC 103(a) Rejections**

Claims 1-10; and 11, 13-19 are rejected under 35 USC 103(a) as obvious in light of United States Patent No. 5,533,789 (“McLarty”). For context, McLarty’s seating structure of Figure 1; needle bed point diagrams of Figures 2-5; and fabric of Figure 7 are provided below:

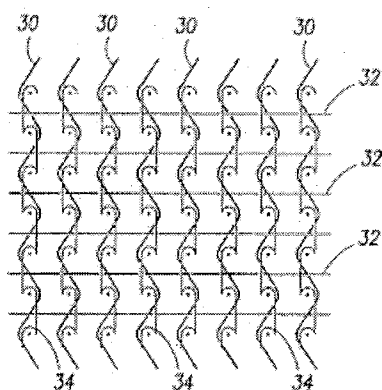
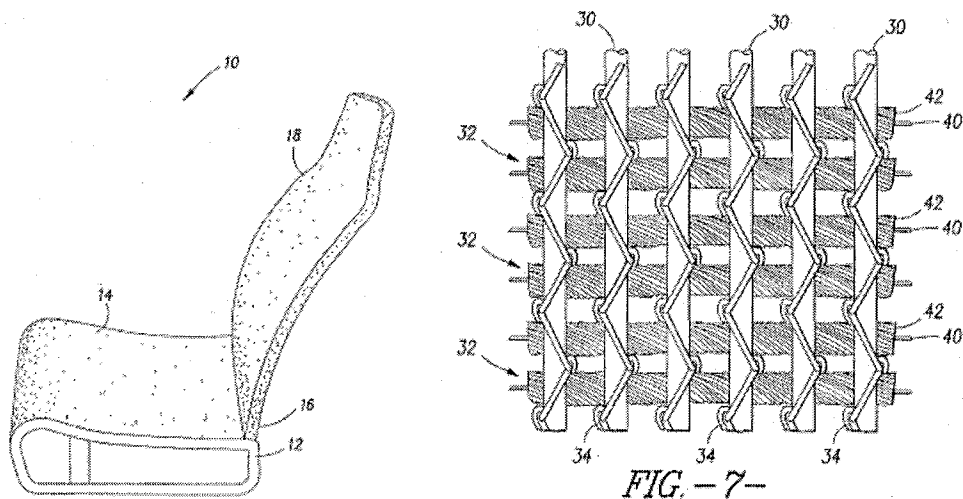


FIG. -2-

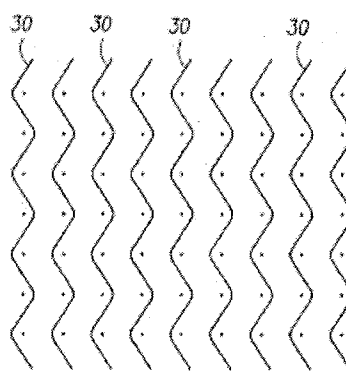


FIG. -3-

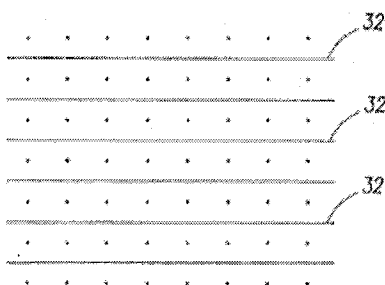


FIG. -4-

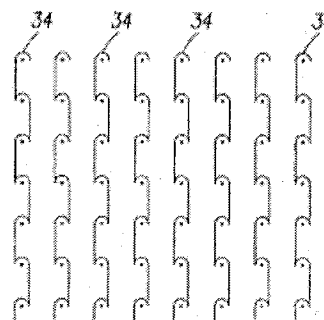


FIG. -5-

Referring primarily to Figures 2-5 and 7, McLarty's fabric includes: elastomeric monofilament yarn 30 in the warp; highly elastomeric monofilament yarn 32 inserted in the weft; and knit filament yarn 34, which is used to tie the warp yarn and the weft-inserted yarn together at their

intersection (col. 3, lines 23-29). Of importance to McLarty is the ability to construct a seat fabric that has sufficient vertical ride or support to eliminate the need for springs and cushions (see, for example, col. 3, lines 1-8). McLarty discloses that a weft-insertion fabric, e.g., having weft-inserted yarn 32, is needed to provide the above-mentioned features (col. 3, lines 16-23).

Reconsideration is respectfully requested for the reasons below.

Regarding Claims 1-10, 11, and 13, the Office contends that McLarty discloses a first component with substantial stretch properties (yarn 30) and a second component (34) with substantially lower stretch properties than those of the first component. Applicant submits, however, that McLarty's Figures 2, 3, and 7 clearly show that McLarty's yarn 30 is not *formed into a loop* as recited by the currently amended claims. Additionally, Applicant notes that McLarty's Figures 2, 3, and 7 clearly show that McLarty requires a laid-in yarn (weft inserted), in direct contrast to Claims 1 and 11, and claims depending therefrom. MPEP 2143.01 provides that "[i]f [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification". As noted above, McLarty discloses that the desired support features of the chair are provided by McLarty's weft-insertion fabric. As such, Applicant believes any attempt to modify McLarty to remove McLarty's weft-inserted yarn would impermissibly destroy McLarty's intended purpose. For at least these reasons, favorable consideration is respectfully requested.

Regarding Claims 14-18, McLarty's Figures 2, 3, and 7 clearly show that McLarty does not fabricate *without inserting a weft yarn*. Further, McLarty provides no motivation or suggestion that its seating structure could *be processed into a garment*. As recited by the

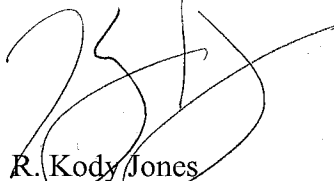
currently amended claims. For at least these reasons, favorable consideration is respectfully requested.

Applicant notes that the above amendments were made without disclaimer in an effort to advance the prosecution of the instant case. Applicant reserves the right to add additional claims or additional applications directed to the broader subject matter.

### **Conclusion**

By this amendment the Applicant believes the case is in condition for allowance and such action is respectfully requested. However, if any issue remains unresolved, Applicant's representative would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



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